



# EMPLOYEE HANDBOOK

**City of Gautier**

Revised 06/20/2017

# CITY OF GAUTIER

## **MISSION**

To enhance the quality of life of the citizens of Gautier and our neighborhoods by providing exceptional government services.

## **VISION**

We strive to achieve efficient and responsible service; a highly trained, competent workforce; and responsible stewardship of resources.

## **VALUES**

Ø PEOPLE Ø INTEGRITY Ø PROSPERITY

## **DISCLAIMER**

This Personnel Policy and Procedures Manual (also referred to herein as an Employee Handbook) is not an employment contract and should not be construed as a contractual obligation of any kind. This employee handbook contains important policies, goals, and restrictions that affect City employees. Unless stated to the contrary herein, this manual and the policies, procedures, provisions, and regulations contained herein, shall apply to all City employees and, unless stated otherwise, do not apply to elected officials.

If any of the provisions in this handbook in any way conflict with applicable local, state or federal laws, rules, or regulations and legal and valid labor contracts; then such applicable local, state or federal laws, rules or regulations and legal and valid labor contracts shall take precedence over the provisions of this handbook. When general requirements of this document conflict with specific requirements within it or with other documents, the specific requirement shall be enforced.

This employee handbook supersedes any other personnel policies or memos previously written. The City reserves the right to interpret, add, amend, and/or delete any policy, procedure, provision, and regulation described and set forth herein at any time. The official Employee Handbook, containing all amendments, shall be filed at City Hall and shall be available for review upon request. Amendments to this employee handbook shall be provided to all employees in a reasonable amount of time after adoption by the City Council. Once made, the Human Resources Department will incorporate all changes in this manual and indicate on the manual "Revised" and document the date of the revision. Reprints of the manual will be made and distributed as deemed necessary by the City Manager.

It is the employee's responsibility to read the policies, procedures, provisions, and regulations contained herein and any revisions, amendments, or supplements thereof. If there may be any questions regarding the clarification of any policies, procedures, provisions, and regulations herein; they may be directed to the Human Resources Department.

City of Gautier

## **EMPLOYEE HANDBOOK**

*The policies and statements in this Handbook are current as of printing. Previous copies of these policies should be discarded to prevent the circulation of outdated and/or non-approved materials.*

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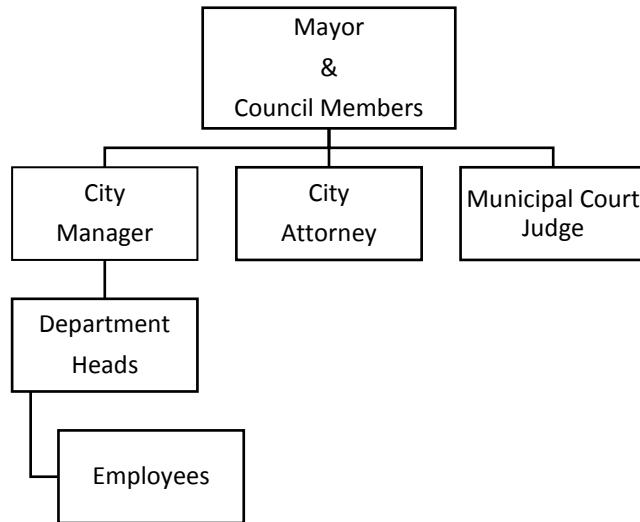
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## **SECTION 1** **Introduction.**

As a City employee, your work and conduct on and off the work site are always subject to public scrutiny. Your contacts with individual citizens will often be the only basis on which the public judges its local government. It is important that you make the best possible impression at all times and perform your work efficiently, competently, and with the highest degree of professionalism. Each position with the City is an essential part of the overall operation of our municipal government. Everyone in the City is relying on you to provide honest, proficient, and courteous service.

## **SECTION 2** **Type of Government**

The City of Gautier is a Council-Manager Form of Government. This form of government (made generally available to Mississippi's municipalities in 1952) is similar to the Commission Form of Government in that it does not provide for the separation of executive and legislative powers between a mayor and council. It differs from the Commission Form of Government, however, in that it does recognize the separate but coordinate functions of politics and administration: an elected council is responsible for making policy, while administration is assigned to an appointed professional known as the City Manager.



## **SECTION 3** **Civil Service System**

To ensure that the concepts of merit, fairness, and equal opportunity will be practiced in the selection and administration of its personnel, the City of Gautier has adopted a Civil Service System for all permanent, non-probationary, full-time employees. To administer its Civil Service System, the city council appoints three (3) citizens for staggered six (6) year terms, each respected and active in the community, to serve on a Civil Service Commission. This Commission has

authority over all full-time positions in the Civil Service and is responsible for adopting rules, administering examinations, and conducting special hearings regarding disciplinary appeals from permanent employees.

The Civil Service Commission meets monthly at Gautier City Hall. These meetings are open to the public. Copies of meeting agendas and minutes may be obtained from the Human Resources Department.

#### **SECTION 4        Date of Hire/Anniversary Date.**

The most recent Date of Hire shall be the effective date of an individual's employment. The Anniversary Date shall mean the date the employee began his or her employment since their most recent date of hire.

An employee reinstated to the same position or a position in the same classification following a layoff from the City will cause his or her anniversary date to be extended by the same length of time as the layoff. A regular employee returning from a leave of absence greater than ninety (90) days will have his or her anniversary date extended by the same length of time the employee was on leave without pay. Employees out under the Family and Medical Leave Act (FMLA) will retain their anniversary date as this leave is not considered a break in service.

#### **SECTION 5        Seniority**

*Fire/Police Departments:* The City has established a department-wide seniority list by rank, indicating the name, position, date of employment, and date of appointment to current rank.

The Civil Service Commission will receive this list on an annual basis.

#### **SECTION 6        Employee Orientation.**

All new employees of the City must attend a new employee orientation program. At the orientation program, each new employee will be provided with information on employee benefits, City policies and operations. In addition to the orientation program, the hiring department may provide additional information to the new employee, including general hours of work, time cards or reports, and leave requests.

#### **SECTION 7        Types of Employment.**

The types of City employment are:

- 1) *Appointed Employee:* An employee who is appointed by the City Council of the City of

Gautier to a position which may be limited in duration. Such employees serve at the pleasure of the City Council and can be terminated at any time for any reason or for no reason at all, with or without notice. The only positions of this class are: City Manager, City Attorney, Municipal Court Judge and the Council may also appoint the City Clerk at their discretion. (Miss. Code Ann. 21-9-29)

- 2) *Regular Full-Time Employee (“Civil Service” employee):* An employee assigned to a position which is expected to continue for an indefinite duration, and is regularly scheduled to work a forty (40) hour or more workweek, who has successfully completed their probationary period. Employees within the one (1) year probationary period, which is set by the City Manager and/or Civil Service, will be evaluated every six (6) months.
  - a. **Exempt:** Employees must generally meet certain tests regarding their job duties and be paid on a salary basis not less than \$455 per week. Job titles do not determine exempt status. An employee’s specific duties and salary must meet all requirements of the FLSA regulations. (Ex.: City Manager, City Clerk, Department Directors, etc.)
  - b. **Non-Exempt:** All other work not classified as “exempt”
- 3) *Part-Time Employee:* An employee who is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule of less than eighty (80) hours per month.
- 4) *Temporary Full-Time Employee:* An employee whose work assignment is usually limited to a period not to exceed four and one-half (4 ½) months and who works a regularly scheduled 40 hour or more workweek.

## **SECTION 8            Overtime**

An employee who is not exempt from the provisions of the Fair Labor Standards Act (FLSA) who works unscheduled hours and/or works hours beyond the threshold of FLSA for their job will be paid one and one-half times their regular rate of pay for each overtime hour worked. Paid or unpaid time off for holidays, annual leave or sick leave will not be counted as hours worked for the purposes of overtime calculations. (Revised 02/05/13)

During special details such as those occurring during holidays, the City Manager may authorize payment of overtime outside the guidelines of paragraph one (1) of this policy. (Revised 12/03/13)

All overtime must be pre-approved by the department head and documented; working unauthorized overtime may be grounds for discharge even though compensation for those hours will be paid in accordance with FLSA.

The City compensates overtime for all employees as follows:

- a) *Non-Exempt – Non Public Safety:* Employees in this class will be awarded Compensatory

Time (Section 9) for any hours worked in excess of forty (40) hours in a seven (7) day work week. In the event the employee has reached the threshold of hours allowable as indicated in the compensatory time policy, the employee will be paid overtime. Overtime is compensated at a rate of one and a half (1.5) times the normal rate of pay for hours worked in excess of forty (40) hours per week.

- b) *Non-Exempt Fire Department:* Shift personnel (Schedule 2496) shall refer to Article 24, Hours worked – Overtime of labor agreement between the City of Gautier and Local 3290.
- c) *Police Officer:* The scheduled hours worked for uniformed sworn personnel with powers of arrest, shall be 84 hours per 14-day work cycle. Overtime shall be paid at a rate of one and a half (1.5) times the normal rate of pay for those police officers working more than 84 hours in a 14-day work cycle.
- d) *Detectives and Non-Uniformed:* The scheduled hours worked for non-uniformed sworn personnel with powers of arrest, shall be 40 hours per 7-day work cycle. Overtime shall be paid at a rate of one and a half (1.5) times the normal rate of pay for those Detectives working more than 40 hours in a 7 day work cycle.
- e) *Dispatchers:* The scheduled hours worked for uniformed dispatchers, covered by this agreement, vary from 36 hours to 48 hours per seven (7) day work cycle. Overtime shall be paid at a rate of one and a half (1.5) times the normal rate of pay for those Dispatchers actually working more than 40 hours in a seven (7) day work cycle.
- f) *Office and other:* The scheduled hours worked for office and other employees, including the Animal Control Officer, shall be 40 hours per seven (7) day work cycle. Employees in this class will be awarded Compensatory Time (Section 9) for any hours worked in excess of forty (40) hours in a seven (7) day work week. In the event, the employee has reached the threshold allowable as indicated in the compensatory time policy, the employee will be paid overtime. Overtime shall be paid at a rate of one and a half (1.5) times the normal rate of pay to office and other employees actually working more than 40 hours in a seven (7) day work cycle.

Exempt employees are expected to work the hours required to accomplish their jobs, which may be in excess of forty (40) hours per week. Exempt employees are typically paid a salary that is not subject to deductions for hours not worked and routinely receive their full salary for any day in which they perform any work, without regard to the number of hours worked. Deductions to the pay of exempt employees will only be made in full day increments. If an exempt employee works any hours during a day they must be paid for the full day. In instances where an exempt employee misses a full day of work the exempt employee will be required to use accrued annual or sick leave in order to be paid for that day unless arrangements have been made to flex the hours during the same seven (7) day work week. If the exempt employee has no accrued annual or sick leave the day will be unpaid leave.

Exceptions to the requirement to pay exempt employees on a salary basis are as follows:

- Unpaid disciplinary suspensions of one or more full days in accordance with city policies.
- Deductions for unpaid leave in accordance with a legitimate absence under the Family Medical Leave Act.
- Exempt employees shall be paid overtime on an hourly basis if 1) they work in excess of forty (40) hours per week, and 2) they are performing duties outside the normal scope and course of their jobs. The City Manager must pre-approve such work.

To the extent these provisions are, or become in conflict with state or federal law, such law shall prevail and become the policy of the City until such time as the policy can be formally amended.

## **SECTION 9                    Compensatory Time**

### **Non-Exempt Employees**

Compensatory time, commonly referred to as “comp” time, is defined as time off granted in lieu of pay for hours worked in excess of the regularly scheduled workweek. All overtime which may result in compensatory time must be pre-approved by the department head before being worked by the employee.

Compensatory time will accrue at a rate of 1.5 hours for every hour worked in excess of the normal workweek. Employees will not be allowed to accumulate compensatory time in excess of 40 hours. Overtime will be paid for any hours worked in excess of the normal workweek once the employee has accrued 40 hours of compensatory time. Compensatory time must be used before any annual or sick leave can be used by the employee. City management will make every effort to allow the use of compensatory time earned by the employee provided that the employee’s absence will not affect the efficient operation of city business.

Upon separation of employment, all compensatory hours earned by an employee while in a non-exempt status will be paid to the employee at the employee’s current rate of pay up to the 40 hour maximum.

### **Exempt Employees**

Exempt employees are not eligible to accrue compensatory time unless they are performing duties outside the normal scope of their employment.

### **Public Safety Employees**

Public safety employees (sworn police officers, firefighters, and dispatchers) will not be eligible for compensatory time and will not be paid overtime for any hours worked in excess of a normal pay period.

## Emergencies

In the event of an emergency proclamation issued by the city council, this policy will not apply and overtime will be compensated in accordance with the city pay policy during emergency events (Section 10).

In the event an Emergency Proclamation is executed by the City Council, the following pay procedures will be established for the duration of the emergency proclamation.

Employees deemed not essential to work during the emergency will be given Administrative Leave and will be paid their normal pay for any scheduled days while away from work on Administrative Leave. Administrative Leave is not used in the computation of hours worked for the purposes of overtime. Employees deemed essential to work during the emergency may be recalled to duty and will be paid as follows.

## **Non-Exempt Employees:**

1. During the employees' regularly scheduled work day, the employee will be paid their normal straight time pay.
2. During weekends or scheduled days off for shift workers, the employee will be paid at the prescribed overtime rates when applicable.
3. During periods of general administrative leave, employees recalled to duty will be paid their administrative leave pay and straight pay for hours worked within a regular work day or overtime for hours worked outside of a regular work day.

## **Exempt Employees:**

1. During the employees' regularly scheduled work day or outside of the regular work day, the employee will be paid their normal salary.
2. During periods of general administrative leave, recalled exempt employees will be paid for the actual hours worked times their calculated hourly wage (Annual Salary/2080 hours) in addition to administrative leave.
3. Exempt employees shall be paid overtime on an hourly basis if 1) they work in excess of forty (40) hours per week, and 2) they are performing duties outside the normal scope and course of their jobs. The City Manager must pre-approve such work.

The implementation of the Performance Development Plan (hereinafter referred to as a “PDP”) is to ensure that each employee is aware of his/her duties, responsibility, and the expectations of the supervisor and the City in the performance of those duties and responsibilities. The purpose

of the PDP is established to retain employees on the adequacy of their job performance; to correct inadequate performance; and to separate employees whose inadequate performance cannot be corrected.

Supervisors are required to evaluate all employees, using the PDP process and evaluations shall be performed annually. Probationary employees will be evaluated every six (6) months.

Employees are required to sign the evaluation form as an acknowledgement that the evaluation was performed, as required by the PDP, and that all questions, concerns or comments of the employee and/or the department director are duly noted on the document.

Thereafter, the completed evaluations will be reviewed and signed by the Department Director, the Human Resources Director, and by the City Manager; each of whom, in his or her judgment, may change the recommended rating or return the form for reconsideration by the supervisor. Per Civil Service Commission regulations, "Any covered employee may request the Commission to re-evaluate his or her appraisal." (CSC, Rule 17.3)

## **SECTION 12        Promotions/ Transfers/Out of Title Pay**

Employees are encouraged to apply for any vacancy for which they may qualify. Any current employee interested in applying for a transfer or promotion to an open position must file an updated resume or City job application form with the Human Resources Department in accordance with instructions listed on the job posting. A City employee's application for such a position will be considered in the same manner as all other applications.

An employee selected for promotion or transfer will retain all leave accruals previously earned. Neither a promotion nor a transfer will change an employee's date of hire. If the position to which an employee has been transferred or promoted carries benefits different from those of the previous position, the person becomes eligible for the benefits of the new position upon assuming the new position. All promotions and transfers are subject to a minimum six (6) month probationary period as determined by the City Manager.

The Department Director may with the approval of the City Manager make temporary assignments for a specified time or assignment as necessary. Such appointments are made on an "acting" basis and the employee returns to his or her regular position upon completion of the assignment. Temporary assignments that include supervisory duties may be entitled to out-of-title pay not to exceed a five (5%) percent increase. It is subject to the discretion of the Director and approval of the City Manager as to whether the employee receives out-of-title pay. To qualify for out-of-title pay the employee must hold the position for a period greater than five (5) days and fulfill all the requirements of the position. It is not to be inferred that a temporary assignment will carry the position's higher salary.

*Fire Department:* Shift personnel shall refer to Article 23 Out of Rank Pay of the labor agreement between the City of Gautier and Local 3290.

*Police Department:* Except in the case of relief during vacation, employees shall receive five (5%) above their present pay rate when filling any higher rank in which he or she may serve for more than

three (3) consecutive work shifts. Out of Rank pay shall be retroactive to the first (1<sup>st</sup>) shift worked. The Chief of Police shall notify the employee of every temporary assignment.

## **SECTION 13                    Holidays.**

The City celebrates the following holidays off with pay for probationary and regular full-time employees. These holidays, or the dates when they occur or are observed, may change by proclamation of the Governor or the City Council or federal, state, or local law and such change(s) govern and override the listings contained in this employee handbook. The City will only recognize the day designated by the Governor as the holiday.

NEW YEAR'S DAY .....	January 1
MARTIN LUTHER KING, JR.....	3rd Monday of January
PRESIDENT'S DAY .....	3rd Monday of February
MEMORIAL DAY .....	Last Monday of May
INDEPENDENCE DAY .....	July 4
LABOR DAY....	1st Monday of September
VETERAN'S DAY .....	November 11
THANKSGIVING DAY .....	4th Thursday of November
CHRISTMAS DAY .....	December 25

Holidays are observed from 12:00 a.m. (midnight) the eve of the holiday to 12:00 a.m. (midnight) the day of the holiday. Non-Public Safety employees will normally not be required to work on a day designated as a holiday and will receive their normal pay. Non-Public Safety employees who are required to work on a day designated as a holiday will receive straight time for all hours actually worked on the holiday, in addition to their regular pay.

The City compensates holiday pay for all employees as follows:

- 1) All employees who normally work a 40 hour week shall have the above listed holidays as designated by the governor off with no reduction in pay. Any 40 hour per week employee who is required to work on one of the days listed above shall receive straight time pay for each hour actually worked in addition to their regular pay.
- 2) *Police Department* employees who normally work shifts (84 hours in a 14 day cycle) shall receive eight (8) hours straight time pay in addition to their normal pay for each of the days set out above.
- 3) *Fire Department* personnel who normally work shifts (216 hours in a 28 day cycle) shall receive eight (8) hours straight time pay in addition to their normal pay for each of the days set out above.

When a holiday falls within an eligible employee's approved annual or medical leave period, the holiday shall not be counted as a leave day in computing the amount of leave deducted. An employee who is away from work and not in a paid leave status the day immediately preceding or following a holiday will not receive any pay for the holiday.

## **SECTION 14      Bereavement Leave.**

Regular full-time employees who have a member of his or her immediate family taken by death shall receive up to twenty-four (24) hours off with pay as bereavement leave to arrange and/or attend funeral activities. If additional time is necessary, it shall be taken as sick leave, with advance authorization by the Department Director. An employee who requests bereavement leave for a death that is not covered under "Immediate Family" may be allowed to use sick leave upon approval by the Department Director. If sick leave is not available, it may be taken as unpaid leave with advance authorization by the Department Director and approval by the City Manager for situations involving Department Directors. Employees who require time off due to the death of an immediate family member (in order to obtain bereavement leave) should immediately notify their supervisor and/or Department Director.

Fire Department shift personnel shall refer to Article 16, Leave of Absence of labor agreement between City of Gautier and Local 3290.

"Immediate family" shall be defined as spouse, mother, father, mother-in-law, father-in-law, children, sister, brother, daughter-in-law, son-in-law, sister-in-law, brother-in-law, grandparents, grandparents-in-law, and grandchildren. A current step-child, step-father, step-mother, step-father-in-law, or step-mother-in-law may also fall under this definition. An aunt, uncle, or cousin who is a dependent of or who resides in the household of the eligible employee, or over whom the eligible employee is a court appointed guardian or conservator, may also be treated as "immediate family" under this Section.

## **SECTION 15      Jury/Court Leave.**

Full-time employees who are required to participate in legal proceedings, legislative committees or quasi-judicial bodies, as a witness in response to a subpoena or other directive shall be allowed authorized leave with pay. An employee who receives notice of jury duty or witness service must notify his/her supervisor immediately so that arrangements may be made to cover the position.

Time away as a result of jury or court leave as set forth above will not affect vacation, sick leave or other leave accruals. The City will continue to provide health insurance benefits for the full term of the jury duty absence. Employees may retain any jury and mileage fees received. A copy of fees received should be submitted to the Human Resources Department for verification of dates served.

Employees are to return to work after jury duty, although no more than the regularly scheduled number of hours for both jury duty and work shall be required in any one (1) day. If excused as a juror on any given day, the employee is expected to contact his/her supervisor immediately and to report to work as instructed.

Employees who appear in court as a party or as a witness on behalf of any party whose action is not in furtherance of the City's interests or official City business or that is unrelated to their official City duties without forced action of a subpoena or other legal document forcing attendance, shall not be paid for time away from work unless the employee elects to use accrued vacation or compensatory time as approved by the employee's supervisor.

Non-exempt employees who are subpoenaed will be paid for the time spent when required to attend Civil Service hearings.

## **SECTION 16            The Family and Medical Leave Act of 1993 (FMLA).**

In keeping with the requirements of the Family Medical Leave Act of 1993 (hereinafter referred to as "FMLA") and the City of Gautier Employee Handbook, an eligible employee shall be entitled to take up to twelve (12) workweeks of unpaid, job-protected leave in a 12-month period. To be considered eligible, an employee must have worked for the City for one (1) year or worked at least 1,250 hours over the previous 12 months.

When both spouses are employed by the City, they are entitled to share a total of twelve (12) workweeks of FMLA for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

Covered Family and Medical Reasons. An eligible employee must be granted up to twelve (12) weeks of unpaid family and/or medical leave (FMLA) per calendar year for one (1) or more of the following reasons:

- 1) the birth and care of a newborn child of the employee;
- 2) for placement with the employee of a son or daughter for adoption or foster care;
- 3) to care for a spouse, son, daughter, or parent with a serious health condition;
- 4) to take medical leave when the employee is unable to work because of a serious health condition; or
- 5) for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty status or has been notified of an impending call or order to active duty in the National Guard or Reserves.

Eligible employees may take up to twenty-six (26) workweeks of unpaid leave in a calendar year to care for their spouse, child, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness as a result of serving on active duty in the Armed Forces.

Under certain conditions, employees or employers may choose to "substitute" (run concurrently) accrued paid leave (such as sick or vacation leave) to cover some or all of the FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.

A serious health condition shall be defined as an illness of a serious and long-term nature resulting in

recurring or lengthy absences. Treatment of such an illness would occur in an inpatient situation at a hospital, hospice, or residential medical care facility, or would consist of continuing care provided by a licensed health care provider.

**Employee Eligibility.** An employee shall be entitled to family leave when he/she meets the following criteria:

- 1) The employee has worked for at least twelve (12) months for the City. The twelve (12) months need not have been consecutive.
- 2) The employee has worked for the City for at least 1,250 hours over the twelve (12) months before the leave would begin.

**Calculation of Leave.** Eligible employees can use up to twelve (12) weeks of FMLA leave during a rolling twelve (12) month period as described herein. The City will use a twelve (12) month period measured backward from the date an employee needs to use any FMLA leave, paid or unpaid.

**Maintenance of Benefits.** An employee shall be entitled to maintain group health insurance coverage on the same basis as if he or she had continued to work at the City. To maintain uninterrupted coverage, the employee will have to continue to pay his or her share of insurance premium payments either through payroll deduction or by direct payment. This payment shall be made either in person or by mail to the Human Resources Department by the first (1<sup>st</sup>) day of each month. If the employee's payment is more than thirty (30) days overdue, then the City will drop the coverage after notifying the employee at least fifteen (15) days in advance of its intention.

If an employee informs the City that he or she does not intend to return to work at the end of the leave period, the City's obligation to provide health benefits ends. If an employee chooses not to return to work for reasons other than a continued serious health condition or other circumstances beyond their control, the City will require the employee to reimburse the City the amount the City contributed towards the employee's health insurance during the leave period.

Earned benefits such as seniority, vacation leave, sick leave, and holiday benefits will not accrue during the unpaid portion of the leave period. However, the use of FMLA leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

**Job Restoration.** An employee who utilizes FMLA leave under this policy will be restored to the same job or a job with equivalent status, pay, benefits and other employment terms.

**Use of Paid and Unpaid Leave.** If an employee takes leave under this plan because of his or her own serious medical condition or the serious health condition of an immediate family member, the employee will first use all compensatory time, paid vacation, sick leave, or donated leave and then will be eligible for unpaid leave. Any combination of family leave and medical leave may not exceed twelve (12) weeks within any rolling twelve (12) month period as described above.

An employee using leave for the birth of a child will use any accrued paid sick leave for physical recovery after childbirth. The employee then may use all paid vacation and then will be eligible for unpaid leave for the remainder of the twelve (12) weeks.

An employee using leave for the adoption or foster care of a child will use all compensatory time and paid vacation first and then will be eligible for unpaid leave for the remainder of the twelve (12) weeks. The use of sick leave would not be allowable in such cases.

Notice and Certification. When an employee plans to take leave under this policy, the employee must give the Human Resources Department thirty (30) days' notice. If it is not possible to give thirty (30) days' notice, the employee must give notice as soon as reasonably possible. Medical certification should be provided at this time if possible.

The employee must also provide certification of an employee's or immediate family member's serious health condition by a qualified healthcare provider. The employee will respond to such a request within fifteen (15) days of the request, or provide a reasonable explanation for the delay.

Qualified health care providers may include doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, and optometrists.

When seeking certification of a serious medical condition, an employee should ensure that the certification contains the following:

- 1) Date when the condition began; expected duration; diagnosis; and a brief statement of treatment.
- 2) If employee is seeking medical leave for his/her own medical condition, certification should also include a statement that the employee is unable to perform the essential functions of the employee's position.
- 3) For a seriously ill family member, the certification should include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
- 4) If taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

If deemed necessary, the City may ask for a second opinion. The City will pay for the employee to get a certification from a second doctor, which the City will select. If there is a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. The City and the employee will jointly select the third doctor, and the City will pay for the opinion. The third opinion will be considered final.

While on leave, employees are required to report weekly to the Human Resources Department and their immediate supervisor regarding the status of their medical condition and their intent to return to work.

Other requirements, terms, conditions, and/or obligations that arise out of and/or pertain to leave designated as family medical leave (FMLA) may be found in federal, state, and/or local laws or regulations, forms that are required to be completed and submitted in conjunction with such leave, and other City policies.

## **SECTION 17        Military Leave.**

To the extent provided by law, an employee will be granted a leave of absence for up to five (5) years in the military. The employee will receive the employee's full straight time pay for the first fifteen (15) days of military leave in a calendar year. Military leave will be accounted for in increments of twenty-four (24) hour periods (from 0001 hours to 2400 hours). The State of Mississippi has defined one (1) day of military leave as equivalent to an eight (8) hour work day. E.g., a firefighter's twenty-four (24) hour on-duty shift counts as three (3) days of military leave. An employee will be reinstated to the employee's former employment, provided the employee complies with the legal reporting requirements after completion of the military duty.

## **SECTION 18        Sick Leave.**

Sick leave shall be granted to regular full-time employees at the rate of eight (8) hours for each calendar month of service. Sick leave rates for Fire and Police Departments are as follows:

*Fire Department:* Shift personnel shall refer to Article 16, Leaves of Absence, Sick Leave of labor agreement between City of Gautier and Local 3290.

*Police Department:* All full-time employees shall earn eight (8) hours, ten (10) hours, or twelve (12) hours sick leave depending on the shift assigned.

Sick leave is not available for use until the end of the month following thirty (30) days of employment for employees of the Schedule 2080. Sick leave shall be charged in quarter-hour increments rounded to the nearest quarter hour on the employee's time sheet. Sick leave accrual during leaves of absence without pay will be on a pro-rata basis based on the number of hours worked during the month.

Sick leave is authorized for use by employees for absences due to personal illness or physical incapacity, sickness of an immediate family member, doctor or dental appointments for self or immediate family, FMLA covered absences, and requests for the employee's presence by immediate family, doctor or clergy due to family illness.

An employee desiring to use sick leave must notify his/her immediate supervisor of the illness no later than fifteen (15) minutes before the beginning of the work shift or as otherwise required by the applicable Department's Standard Operating Procedures. Failure to do so may result in denial of such paid leave and/or disciplinary action, including but not limited to termination of employment. The employee should also let the supervisor know when he/she expects to return to work.

Sick leave exceeding three (3) consecutive work days or three (3) scheduled shifts; must be confirmed by a qualified doctor's statement submitted to the supervisor after the third (3<sup>rd</sup>) consecutive day of absence. The doctor's statement must contain a statement that the employee is fit to return to work including any limitations the employee may have relating to their particular job classification; or a statement as to when the employee will be fit to return to work. A qualified doctor shall be defined as a duly licensed doctor of medicine, osteopathy or dentistry. If sick leave is not confirmed by a doctor's statement after the third consecutive day of absence, the employee may be placed on unpaid leave for the period of absence until the excuse is submitted or may be required to use vacation time

for the absence. Employees who abuse sick leave will be subject to disciplinary action which may include but is not limited to termination. (See Sick Leave Abuse, Section 19)

Sick leave usage during an employee's last two (2) weeks of employment must be documented by a qualified doctor.

Unused sick leave shall accrue to the credit of each employee with no maximum and, subject to conditions and terms of the Public Employees Retirement System (PERS) or any other governing or applicable regulations or requirements, may be certified to PERS for retirement credit upon separation of employment. Sick leave cannot be cashed out or paid as money upon separation of employment.

Sick leave that is used on the "working day" before and/or sick leave used the first "working day" after an observed holiday; must provide documentation by a qualified physician. In lieu of a medical certificate, supervisors may allow a sworn affidavit from the employee which provides the circumstances of the illness. Information requests shall be processed in accordance with the official privacy policy of the City for compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

## **SECTION 19      Sick Leave Abuse**

Directors shall closely monitor use of sick leave by their employees. Sick leave shall not be considered as a right which an employee may use at the employee's discretion, but shall be considered a privilege and allowed only in cases of actual sickness or disability of the employee or in circumstances where illness in the employee's immediate family makes it necessary for the employee to be absent. (Authorized uses of paid sick leave are established in the city sick leave policy, Section 14)

It is anticipated that employees using paid city sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor, hospital stays or other justifiable illness related travels which take the employee away from home are acceptable; however, employees who establish a pattern of non-illness related personal pursuits during sick leave may subject themselves to disciplinary action up to and including termination.

Furthermore, employees who consistently use sick leave in any observable pattern may be considered to be abusing sick leave privileges. Examples of patterns that may indicate sick leave abuse include, but are not limited to:

- Consistently using sick leave as soon as it is accrued.
- Consistently using sick leave on Fridays and/or Mondays.
- Consistently using sick leave the day before or after an approved holiday.
- Consistently using sick leave in conjunction with approved vacation.
- Consistently using sick leave during certain days of the week, weeks of the year, seasons of the year, etc.

- Consistently using sick time on days where vacation was denied.
- Consistently using sick leave in any other similar observable pattern.

Employees who abuse sick leave will be subject to disciplinary action up to and including termination and may render themselves ineligible for paid sick leave benefits.

## **SECTION 20                    Donated Leave**

Employees are allowed to donate a portion of their earned leave to another employee who is suffering from a catastrophic injury or illness; or to another employee who has a member of his/her immediate family who is suffering from a catastrophic injury or illness.

A catastrophic injury or illness shall be defined as a severe or permanent condition or combination of conditions affecting mental or physical health that requires medical treatment by a licensed physician for a period of time exceeding four weeks. Optional medical procedures and maternity leave do not qualify as catastrophic illnesses and are not eligible for donated leave. Proof of injury or illness must be provided. Recipient employees must exhaust all of their earned annual/sick leave before becoming eligible to receive donated leave. Probationary employees are not eligible for donated leave.

The maximum period an employee may use donated leave without resuming work is ninety (90) calendar days, which commences on the first day that the recipient employee uses donated leave.

Employees receiving compensation under Mississippi's worker's compensation laws are not eligible to receive donated leave. However, an exception may be granted by the City Manager for employees experiencing an economic hardship due to a non-catastrophic event, such as an illness; or for an injury that is not covered by workers' compensation for up to one (1) pay period.

Employees' may not donate in excess of 50% of his/her earned sick leave. Annual leave donations must not exceed the number of hours that would leave the donor employee fewer than seven (7) work shifts.

## **SECTION 21                    Annual Leave/Vacation Leave.**

Annual leave, also known as vacation leave, for regular full-time employees shall accrue as follows:

Hire date:      1<sup>st</sup> – 15<sup>th</sup>      leave begins accruing the month hired  
                    16<sup>th</sup> – 30<sup>th</sup>      leave begins accruing the next month

Example:      If hire date is 01/15/17, then leave begins accruing January 2017.

                    If hire date is 01/16/17, then leave begins accruing February 2017.

Annual leave is not available for use until the end of the month following thirty (30) days of

employment. Annual leave shall be charged in half-hour increments rounded to the nearest half hour on the employee's time sheet. Annual leave accrual during leaves of absence without pay will be on a pro-rata basis based on the number of hours worked during the month.

Vacations shall be scheduled at such times as the Department Director finds most suitable after considering the wishes of the employee and the requirements of the department.

All requests for vacation must be approved by the Department Director prior to the commencement of the requested vacation. All requests should be submitted with as much notice as possible in advance of the requested leave. The City Manager shall approve all vacation schedules for Department Directors.

Accrued and unused annual leave may be used to supplement sick leave if the employee has exhausted sick leave accruals. There is no limit on the accumulation of annual leave. Employees may cash out a maximum of 240 hours of accrued vacation at the time of separation from the City. Accrued vacation in excess of the 240 hours shall be credited to the Public Employees Retirement System (PERS).

Fire Department shift personnel shall refer to Article 18, Vacations, of labor agreement between City of Gautier and Local 3290.

## **SECTION 22            Accrual of Annual Leave/Vacation Leave.**

Annual leave for all regular full-time employees (Schedule 2080) is accrued as follows:

<u>Tenure</u>	<u>Accrual Per Month</u>	<u>Accrual Per Year</u>
0-1 Year	5.5 Hours	8.25 Days
1-5 Years	8 Hours	12 Days
5-10 Years	10 Hours	15 Days
10-15 Years	12 Hours	18 Days
15+ Years	13.5 Hours	20.25 Days

Annual leave for Fire Department shift personnel (Schedule 2496) is accrued as follows:

<u>Tenure</u>	<u>Accrual Per Month</u>	<u>Accrual Per Year</u>
0-5 Years	12 Hours	6 Days
5-10 Years	18 Hours	9 Days
10+ Years	24 Hours	12 Days

Annual leave for Police Department shift personnel (Schedule 2184) is accrued as follows:

<u>Tenure</u>	<u>Accrual Per Month</u>
1 Year	½ shift credit
1-10 Years	1 shift credit
10+ Years	1 ½ shift credit

*(All police department employees under Schedule 2080, should refer to the annual leave chart for Schedule 2080 employees)*

## **SECTION 23** **Leave of Absence without Pay.**

When any employee must be absent from work and has no appropriate leave accrued, the Department Director may grant a leave of absence without pay for a period not to exceed forty (40) hours. Any leave of absence without pay for a period exceeding forty (40) hours must also be approved by the City Manager. In no case, however, may a period of leave of absence without pay exceed ninety (90) days. During the period of approved and unpaid leave, the employee must pay for any optional insurance coverage at the employee rate on a pro-rata basis during the period of unpaid leave. During periods of leave without pay, all leave accrual shall be pro-rata based on the number of hours worked in the month. Vacation shall be charged in half hours rounded to the nearest half hour on the employee's time sheet.

Fire Department shift personnel shall refer to Article 16, Leave of Absence, Section C, Leave without Pay of local agreement between City of Gautier and local 3290.

Police Department permanent full-time employees with at least twelve (12) months of continuous service with the City will be eligible to receive leaves of absence without pay, not to exceed thirty (30) days, for personal reasons such as marriage, illness of a family member, disposal of a family estate, funeral for other than immediate family, and other emergencies upon recommendation of the Chief of Police. Seniority shall be earned while on personal leave.

## **SECTION 24** **Travel and Training.**

Mileage will be reimbursed per mile equal to the rate allowable by Mississippi Department of Finance and Administration ([www.dfa.state.ms.us](http://www.dfa.state.ms.us)); all other allowable expenses are reimbursed on an actual cost basis. All expenses must be itemized. Claims for reimbursement of travel expenses, other than mileage, shall be accompanied by invoices and/or receipts showing proof of payment of such claims, except the daily meal per diem as provided hereafter. City travel and meal expenses may have ceilings above which expenditures are not reimbursable. Employees are urged to obtain this information from the City Clerk prior to travel. Requests for reimbursement of travel expenses incurred while on official business must be submitted within five days on a City of Gautier Expense Reimbursement Request form. In some situations, the City may provide for advance payment for travel expenses. If

an employee desires an advancement of travel expenses, he/she should complete a City of Gautier Employee Request for Travel Advance form.

## **SECTION 24.1      Travel Advance Authorization**

Travel authorization requests for advance payment for travel expenses incurred while on official business must be submitted on the Travel Authorization form. If possible, travel advance requests should be submitted to the Finance Department thirty (30) days prior to the travel dates. The employee must also plan their request so that payment approval may be accomplished a minimum of seven (7) days prior to scheduled travel.

- a) Approval Forms are to be submitted to department heads for verification and approval prior to issuance of travel advances. If approved, the department director will forward the request for travel advance to the Finance Department.
- b) The Finance Department will review the request for compliance to the employee handbook and the Mississippi Department of Finance & Administration for accuracy and costs estimates.
- c) If policy guidelines are met and figures are correct, the request for funds will be placed on the next City Docket of Claims for approval.
- d) Following approval of the Docket of Claims, the Finance Department will issue checks to the employee requesting travel advance pay.

Employees that do not meet the policy guidelines will be contacted immediately for proper compliance.

## **SECTION 24.2      Travel While on City Business.**

### **1)      Emergency Overnight Trips**

- a) Lodging. All authorized travel receipts must be signed and submitted to the Finance Department within five (5) working days upon return from an authorized trip. A reasonable class of accommodation shall be selected where choice is available. The single rate should be clearly indicated on all receipts. Failure of an employee to turn in receipts and complete documentation within five (5) working days after employee returns to work may result in the employee personally paying for travel and being reimbursed upon return.
- b) Meals. Meal reimbursements for all overnight trips are to be itemized on the reimbursement form. Reimbursement rates for meals will not exceed the maximum rates set by the MS Department of Finance for the applicable location. If per diem advances are received, the amount will not exceed the maximum daily rate set by the

Mississippi Department of Finance for the applicable location. Alcoholic beverages and gratuities are not reimbursable.

c) Mileage Allowance. The City encourages the use of City vehicles for authorized travel when possible. Employees who must utilize their personal vehicles on travel assignments will be allowed the current rate per mile as set by the Internal Revenue Service (IRS).

1. No reimbursement for mileage shall exceed the dollar amount of round trip airfare at the coach rate on a licensed common carrier, plus approved auto rental or taxi fare at point of destination.
2. When two (2) or more employees are attending the same seminar, convention, or meeting, car-pooling shall be practiced whenever possible. The actual odometer reading from City of Gautier to destination and return to City of Gautier will be used.
3. If an employee for his or her own convenience travels by an indirect route or interrupts travel by the most economical route, the employee shall bear any extra expense involved. Reimbursement for such travel shall be for only that part of the expense as would have been necessary in order to travel.
4. Out-of-State Travel. Requires prior written approval by the employee's Department Director and a completed Request for Out of State Travel Authorization signed by the City Manager.
5. When city vehicle transportation is available for travel on City business, but an employee elects to take their own vehicle for personal reasons; he/she must receive written authorization by the City Manager in order to receive mileage reimbursement.

2) Local Travel and Expenses

a) Local Meals. Reimbursement for meals will be allowed only where the employee is attending a seminar or conference further than fifty (50) miles away as a representative of the City for a specific purpose, or where the employee's attendance will directly benefit the City, provided the meal is included in the registration package. No reimbursement will be allowed for meetings that are of a social nature. The request for reimbursement of local meals should include the following information: date, place, the meeting attended, and the specific reason for attendance.

b) Local Mileage. Local mileage will be reimbursed as found in paragraph (1) (c), above.

3) Parking fees and shuttle cab fees will be reimbursed by actual cost and receipts must be presented to verify usage.

The following are expenses that will not be reimbursed by the City: (1) laundry, cleaning, or valet services; (2) tobacco; (3) alcoholic beverages; (4) entertainment; (5) personal telephone calls; (6) first class travel accommodations when economy or coach class are available; (7) meals and lodging in lieu of other meals and/or lodging, the expense of which is included in the registration fee; (8) fines, forfeitures or penalties; (9) rental vehicles except as pre-approved by the City Manager; (10) expenses of a spouse or other non-employee; (11) loss or damage to personal property; (12) barber, beauty parlor, shoe shine or toiletries; (13) personal postage; (14) food (other than meal allowance); and (15) personal items.

The following are expenses that may be reimbursed by the City: (1) hotel/motel; (2) registration; (3) book fees; (4) gas for city vehicles if not available from city gas card (Fuelman card) and/or mileage reimbursement; (5) repairs to city vehicle if out of town; (6) car rental (if approved); (7) air fare.

## **SECTION 25        Employee Personnel Records.**

The Human Resources Department is responsible for establishing and maintaining an official personnel file for each employee of the City. Access to the official personnel files may be allowed if the City Manager, applicable Department Director, and/or Human Resources Director find access would be helpful, necessary or warranted for administrative purposes.

Employees may review their individual files by making an appointment with the Human Resources Department. An employee may not remove his/her personnel file or copies thereof from the office nor may the employee remove anything from the file or add anything to the file without the approval of his or her Department Director and the City Manager. Official personnel files and their contents are the property of the City of Gautier.

Department Directors are responsible for forwarding documents for inclusion in the personnel files of those employees assigned to their Department. Only documentation included in the official personnel file of record in the Human Resources Department is admissible for disciplinary or meritorious purposes.

Changes of address, telephone number, or other changes in personal information, should be brought to the attention of the Human Resources Department by the employee as soon as the change is known or effective so personnel records will be accurate and up-to-date.

Medical information and similar documents will be filed separately from the official personnel file in accordance with the Health Insurance Portability and Accountability Act (HIPAA).

## **SECTION 26        Hours of Work/Absenteeism/Tardiness.**

Business hours for the following departments are:

Administration & Planning Departments:      Mon. – Fri., 8:00 A.M. – 5:00 P.M.

These are eight (8) hour work days, Mondays – Friday, with an unpaid lunch period of one (1) hour designated by the employee's supervisor.

When approved by the city council, the city manager may choose to institute *flex hours* for office employees while still maintaining the proper staffing levels that are required to operate city facilities during normal business hours.

*Police Department:* Open 24 Hours a day and employee hours are assigned according to the Pay Grade Schedules.

*Fire Department:* Shift personnel shall refer to Article 29, Hours of Work of labor agreement between City of Gautier and local 3290.

Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. To the extent possible, the lunch period will be scheduled to allow for continuous staffing of offices with at least one person.

Occasions may arise when service to the citizenry can be improved through the adjustment of an employee's work hours. The Department Director shall approve adjustment in work hours.

Employees are expected to report to work each workday, at the designated time and place, unless there is a valid reason for absence. Tardiness must not generate overtime. Employees are required to notify the appropriate supervisor or official within their Department of each anticipated absence before it occurs. Such advance notice is only excused due to exigent or emergency circumstances. Notification by another employee, friend, or relative is not considered proper except in an emergency situation where the employee is physically unable to make the notification. Unexcused or excessive absence from work and/or improper notification of such absence may subject employees to disciplinary action, including termination of employment. Following any absence, the employee may be required to provide a validated excuse for each such absence.

Advance notice of anticipated tardiness must be provided 15 minutes prior to the beginning of the employee's shift, or the earliest possible time thereafter. Tardiness may only be made up during the pay period in which it occurs, if approved by the employee's supervisor or Department Director.

Notification by another employee, friend, or relative is not considered proper except in an emergency situation where the employee is physically unable to make the notification.

Hours for part-time and certain employees may vary from the normal office hours noted above due to the nature of their duties and will be determined by the appropriate Department Director with concurrence of the City Manager. Any leave without pay must be approved in advance by the Department Director to qualify as an excused absence.

## **SECTION 27**      **Light Duty.**

Every effort will be made to return injured employees to the workplace as soon as they are medically released. The Human Resources Department will coordinate the employee's return to

work with that employee's Department Head. Light duty will be offered if a work assignment exists within the City which meets the abilities documented by the employee's attending physician; and it is determined that a light duty work assignment would enhance the recovery of an injured or ill employee and facilitate the employee's return to the regular duty work assignment held before the injury or illness. The light duty assignment must also be beneficial to the conduct of efficient city business. A light duty work assignment may last until the time that the attending physician has set as the expected date of return to the employee's previous work assignment, but not to exceed 90 days unless the City Manager gives written approval for a longer period. As a condition of continuing in a light duty work assignment, an employee must adhere to prescribed treatment and make reasonable efforts toward rehabilitation; accept progressively more demanding assignments as the employee's condition improves; and make visible progress in returning to full performance capability. An employee's light duty work assignment will be terminated immediately if:

- (A) the employee is found performing beyond the light duty restrictions;
- (B) the work assignment is completed;
- (C) the employee performs unsatisfactorily in the position;
- (D) budgetary constraints do not allow continuation of the position; or
- (E) the employee does not follow the prescribed treatment and/or follow up doctor appointments as required.

An employee who does not agree or accept a bona fide offer of employment, including a light duty work assignment that has been approved by his/her physician may be subject to disciplinary action (e.g., termination) and/or a reduction in income benefits. Medical certification will be required to support any leave that may meet the criteria under the Family Medical Leave Act (FMLA).

## **SECTION 28** **Nepotism.**

Employees and officials are required to adhere to and abide by all applicable and governing laws, ordinances, and regulations pertaining to nepotism (e.g., Miss. Code Ann. §§ 25-1-53, 25-4-101, 25-4-103, and 25-4-105, as amended). It is further the City's policy that the Department Directors shall take every precaution to avoid circumstances in violation of Miss. Code Ann. §§ 25-1-53, 25-4-101, 25-4-103, and 25-4-105, as amended.

For the purpose of this Section, "immediate family" shall be defined as the following relationships whether established by blood, marriage or other legal actions:

- a) Parents, grandparents, step-parents, step-grandparents, brothers, sisters, half-brothers, half-sisters, step-brothers, step-sisters, children, children's spouse, grandchildren, step-children, step-grandchildren.
- b) Spouse and spouse's parents, grandparents, step-parents, step-grandparents, brothers, sisters, half-brothers, half-sisters, step-brothers, step-sisters, children, children's

spouse, grandchildren, step-children, step-grandchildren.

Intentional failure to report an existing relationship subject to this policy by a probationary employee may result in immediate termination.

## **SECTION 29 Employee Ethics/Political Activity.**

Employees and officials are required to adhere to and abide by all applicable and governing laws, ordinances, and regulations pertaining to ethics, conflicts of interest, and political activity (e.g., Miss. Code Ann. § 25-4-101, et seq., as amended. In addition, employees:

1. Must always conscientiously perform all assigned job duties.
2. Must be tactful, patient and courteous when conducting City business.
3. Shall not grant special consideration to any citizen or group of citizens.
4. Shall not engage in any outside employment or have a financial interest that will conflict with his or her duties or be detrimental to the City or otherwise violate the provisions of any federal, state, or local law.
  - a) Fire Department shift personnel shall refer to Article 15, Employment in Second Jobs of labor agreement between the City of Gautier and Local 3290.
  - b) Employees who work second jobs shall do so with the understanding that such outside employment must not affect the employee's attendance, efficiency, or the reputation of the City service. Prior to beginning employment on a second job, the employee must first notify, in writing, his/her department head who shall have the right to disapprove any second jobs.
5. Shall not request or permit the use of City vehicles, equipment, materials or property for personal convenience or profit.
6. Shall not accept or ask for any gift or consideration from any person or firm doing, or seeking to do, business with the City or intending to influence the employee to provide preferential treatment.
7. Shall not report to work or attend any work related function, including official meetings even if not on duty or seeking compensatory time for the meeting, in a condition which is unsafe for the employee, others or physical property, or a condition which renders one incapable of performing job responsibilities, or a condition which creates an unfavorable public image. Such conditions include, but are not limited to, physical illness, or being under the influence of alcohol, narcotics or other mood- or mind-altering substances or medications.
8. Shall not abuse, misuse, neglect, or waste government property, materials or equipment,

including City owned or leased vehicles, computers, printers, mobile phone, faxes and telephone lines.

9. Shall not use the City's name or tax exempt status for his or her personal advantage on any purchases.
10. Shall not discuss or reveal confidential City information to anyone, under any circumstances, except within the scope of his or her job duties.

Employees have a civic duty to cast their votes for candidates and issues as they choose and to support candidates and issues with their personal efforts and voluntary contributions. No City employee may actively participate in any political activity in any City primary or City election. Failure to adhere to this policy shall be deemed cause for removal in accordance with Miss. Code Ann. §§ 21-31-27.

An employee's failure to adhere to Section 29 of the Employee Handbook may result in disciplinary action and may include termination.

## **SECTION 30            Non Fraternization.**

The City strives to provide an environment for employees that is respectful, fair and free of unlawful harassment or discrimination. In keeping with its commitment, and in order to avoid potential conflicts of interest, favoritism, exploitation, harassment or breaches of professional standards, the City prohibits romantic or sexual relationships where there is supervision, direction or control between the parties.

For purposes of this policy, "Supervisor" shall mean any person who has the authority and/or responsibility to hire, promote, discipline, evaluate, assign or direct staff or employees of the City. "Employee" shall mean any person employed by the City in any capacity.

No supervisor shall have or pursue a romantic or sexual relationship with any employee who reports to the supervisor or over whom the supervisor has the authority and/or responsibility to hire, promote, discipline, evaluate, assign or direct. If such a relationship exists, both the involved supervisor and involved employee shall report such relationship to the next-level supervisor, to whom the supervisor reports. The next-level supervisor shall take appropriate steps consistent with this policy, including the removal of any reporting or similar relationship between the supervisor and the employee.

Any employee who becomes aware of a relationship prohibited by this policy should report such relationship to their supervisor, the Department Director, or the Director of Human Resources. The department receiving the report shall inform the City Manager, who shall coordinate with the supervisor of the involved employee(s) to take appropriate action consistent with this policy.

Employees who violate this policy will be subject to discipline, up to and including termination of employment. Questions regarding the applicability of or reporting requirements contained in this policy may be directed to the employee's Supervisor, the Department Director, or the Director of Human Resources.

### **SECTION 31        Personal Appearance.**

It shall be the responsibility of all employees to represent the City to the public in a manner that shall be courteous, efficient, and helpful.

City employees should always be well groomed and dressed in a manner suitable for the public service environment and which favorably reflects the City's image. Employees are expected to practice good hygiene and to wear clothing free from stains and unpleasant odors. Skin tight apparel, miniskirts, shorts with a hemline reaching more than 2 inches above the knee, jogging suits, sweat pants, torn clothing, and clothes exposing bare midriffs are not suitable. Tank tops or camisole tops are allowable when covered by an appropriate jacket, sweater or over-shirt. Tongue, cheek, eyebrow, nose and eyelid piercing are unacceptable. All employees provided uniforms are required to wear them. In addition, Police and Fire Department employees as well as other City employees are expected to further conform to any reasonable departmental dress and personal appearance codes.

The City Manager may establish casual days on which the dress guidelines will vary. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing. In addition to the above guidelines, department directors may develop stricter dress code standards which are more suitable to their employees specific work environment.

### **SECTION 32        Personal Use of Telephone and Mail Systems.**

City telephones, including FAX machines, are to be used for City business. Personal calls, when necessary, must be local, of short duration, and on an infrequent basis. It is the employee's responsibility to insure that no cost to the City results from personal telephone or FAX calls.

The use of City supplies or postage for personal correspondence is not permitted. Receipt of personal mail at the City's post office box or address is also not permitted.

### **SECTION 33        Payroll and Deductions.**

The following deductions are required by law from each employee's pay:

1. Federal and State Income Tax withholding.
2. FICA/Medicare
3. Retirement contributions (eligible employees only).
4. Deductions authorized by law, such as garnishments.
5. Medicare deductions.

Additional deductions that are optional and may be requested by the employee include:

1. United Way contributions.
2. Deferred compensation.
3. Payment of health insurance premium (if applicable).
4. Payment of dental insurance premium (if applicable).
5. Other City approved employee plans.

It is the employee's responsibility to maintain current payroll deduction information with the Human Resources Department. Employees wishing to add or change their payroll deductions should contact the Human Resources Department for the appropriate forms.

## **SECTION 34        Time Sheets/Preparation of Payroll.**

A bi-weekly time sheet shall be completed by each employee, submitted by the employee in accord with department policy, no later than the department's deadline for submission of same and then signed by one of the employee's supervisors.

All hours of work must be accurately recorded. Your signature on your Time Sheet certifies that the time reflected was the actual time that you worked during that particular workweek.

The Comptroller computes earnings as well as deductions pertaining to City payroll. Changes in rate, position, and status are to be supported by a Status Change Form verified by the Comptroller and signed by the Department Director, Human Resources Director, and City Manager. No salary change shall be implemented unless accompanied by an approved Status Change form containing stated signatures and indicating a salary increase is being granted. Salary increases other than transfers to vacant positions with budgeted salaries shall be made only after specific City Council authorization.

If a payday falls on a holiday, payday shall be the last working day before the holiday. Employees should direct inquiries concerning payroll matters to the Finance Department.

## **SECTION 35 Garnishment.**

The City expects each employee to keep his personal affairs in a good condition and meet his financial obligations promptly. Garnishments and attachments create an administrative burden on the City. For this reason, they are looked upon with disfavor and recurrences may result in disciplinary action up to and including termination.

## **SECTION 36 Deferred Compensation.**

The City, through the State of Mississippi Public Employees Retirement System (PERS), presently provides an option to any full-time employee to invest a portion of his/her present earnings in a deferred compensation plan. This is a supplemental retirement savings plan where a certain dollar amount (minimum investment is \$25.00) may be designated by the employee to be withheld from his/her paycheck and invested for payment at a later date. Under this arrangement, neither the deferred amount nor earnings on the investments are subject to federal income taxes until such time as the employee receives payment from the plan. The plan is voluntary and the City makes no guarantee or recommendation of specific investments under the plan.

Enrollment can be arranged through the Human Resources Department or through the online link located on the PERS website. Contributions to the program are financed solely by the employee through payroll deduction. Benefits received through this program are in addition to any Social Security or PERS benefits for which the participating employee would be eligible.

## **SECTION 37 Life and Accidental Death and Dismemberment Insurance.**

Regular full-time employees are provided a term life and accidental death and dismemberment insurance policy provided by the City in the amount of \$15,000.00 and \$100,000.00 respectively subject to the following eligibility requirements:

Coverage is effective the first day of the month following sixty (60) days of employment and continues until the employee leaves the City's employment, the employee moves to an employee class which is not eligible for this benefit, or the policy is discontinued completely by the City, which may occur at any time and without notice. Termination under the policies shall be effective when premium payments for such employee's insurance are discontinued or upon separation of the employee from City employment.

## **SECTION 38 Group Medical Insurance.**

The City offers to all regular full-time employees and all eligible dependents thereof group medical, dental, and vision insurance. Coverage under such insurance becomes effective the first day of the month following sixty (60) days of employment. Benefits and terms of both plans are described in

insurance brochures provided to each new employee at the time of eligibility or which are otherwise available to employees from the Human Resources Department.

Enrollment forms for such coverage are available from the Human Resources Department. It is the employee's responsibility to notify the Human Resources Department of any change in dependent status by completing updated enrollment forms. Upon termination of employment with the City, the employee may elect to continue medical coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA) at his or her own expense, and at the prescribed rate.

### **SECTION 39        Continuance of Medical Coverage (COBRA).**

Employee and/or dependent medical coverage under the current plan may cease as a result of one (1) of the following events:

- 1)     Termination of employment
- 2)     Change to nonparticipating employment status
- 3)     Divorce
- 4)     Dependent child becoming ineligible

Employees or dependents may elect to continue medical and dental coverage, at their own expense, beyond the date that it would otherwise terminate. The duration of extended coverage is determined according to federal law. The Human Resources Department will provide all eligible employees and their dependents information on COBRA upon separation of employment. Employees seeking to maintain coverage for ineligible child may contact the Human Resources Department for cost information. If an employee or eligible spouse or dependent does not elect to continue coverage, group health insurance will end as scheduled under the plan.

### **SECTION 40        Retirement System**

Eligible employees who select City employment as a career can look forward to retirement benefits through the State retirement system. Participation in the retirement system is mandatory for all full-time employees and part-time employees working no less than twenty (20) hours per week. You must contribute a portion of your salary and the City also will contribute to the retirement system on your behalf. These benefits, plus those from Social Security, are designed to provide a measure of security at retirement. If you should quit your job with the City before you retire, the money you paid into the system, plus interest, will be refunded to you when you submit proper forms to the State retirement system. However, contributions can be left in the system under certain circumstances. For further information, please contact the Human Resources Department.

## **SECTION 41            Employee Assistance Program (EAP)**

This is an employer/employee benefit program designed to identify and provide counseling for employees and dependents that have personal problems that may contribute to unacceptable job performance, absenteeism, employee/employer relations, and on-the-job accidents. A range of substance abuse/chemical dependency and mental health treatment services are also offered. Any employee who is interested in any services provided by EAP contract must contact the Human Resources Department for more information.

## **SECTION 42            Tuition Reimbursement.**

All regular full time City employees with one (1) year tenure are eligible for tuition reimbursement when budgeted. An eligible employee may apply for and receive reimbursement for no more than four (4) courses per year. Only courses directly related to the employee's job or a job to which the employee may reasonably aspire are eligible for this program. The City Manager has final say as to whether courses are eligible for reimbursement and granting class attendance during business hours.

Employees may request annual leave to attend classes, but the City makes no promises to grant such requests.

Only tuition will be eligible for reimbursement. Reimbursement will not be made for any course when the employee is receiving scholarship money or tuition benefits.

Tuition will be reimbursed as follows:

Grade of "A"	100%
Grade of "B"	75%
Grade of "C"	50%
Grades < "C"	0%

To apply for this program, the employee must submit a request form with course information prior to enrollment date. Request forms may be obtained from the Human Resources Department. All course work must be pre-approved by the City Manager and be job-related and beneficial to the City of Gautier to be eligible for participation in the program. A copy of the course schedule must be submitted to the Human Resources Department upon enrollment. Upon successful completion of a course, the employee must provide an original grade report and detailed receipt of tuition payment to the Human Resources Department within thirty (30) days to receive reimbursement. If the employee leaves employment with the city before one (1) year of continued employment has passed since course completion, the employee will be required to reimburse the city for the expense associated with the course.

*Fire Department:* Shift personnel shall refer to Article 32, Tuition, in labor agreement between City of Gautier and Local 3290.

## **SECTION 43 Risk Management.**

### **43.1 Accident Prevention and Safety**

Maintaining a safe workplace demands the continuous cooperation of all employees. All department heads and division supervisors will be held accountable for their responsibility in the success of an effective safety program, and will participate in its development, implementation and improvement to eliminate unnecessary accidents and needless expenses.

Employees are expected to use common sense and good judgment in everyday work habits and comply with safe work practices. Illustrations of safe work practices are:

- 1) Use of proper safety equipment when performing an assignment.
- 2) Not operating equipment or machinery while under the influence of prescribed medication while under a physician's care and written approval.
- 3) Under no circumstances should an employee operate machinery or equipment while under the influence of drugs or alcohol.
- 4) Operating only equipment or machinery for which training or certification has been received.
- 5) Warning co-workers of an unsafe work environment or practices.
- 6) Adhering to all safety/operating rules posted on equipment, machinery and at work areas.
- 7) No horseplay on employer premises or in the field.

### **43.2 Reporting**

Employees are required to promptly document and notify their immediate supervisors or, if unavailable, others within their chain of command or authority, of all accidents involving City property and City personnel. In addition, any employee who suffers accidental injury or occupational disease in the course and scope of his or her employment must report the incident to his or her supervisor or Department Director immediately or within twenty-four (24) hours after the time of the accident. Failure to notify supervisory personnel of any accident involving City property may result in immediate disciplinary action up to and including termination. The Director or Supervisor is responsible for immediately notifying the Human Resources Department and processing all documentation to same within twenty-four hours of the incident.

Employees injured after normal business hours or over a holiday or weekend while performing duties and responsibilities for the City; and who require medical attention before the next business day, will go to the Singing River Hospital or Ocean Springs Hospital Emergency Room, whichever is closer. If the employee refuses medical treatment of the provider selected by the City; he or she reserves the

right to choose their own physician and must complete a Physician's Choice form with the Human Resources Department.

In every case requiring medical attention, the employee will submit a work status report (signed by the attending physician authorizing his/her return to work) to the Human Resources Department who will then contact the Department Director. Under no circumstances will he or she return to duty until this document has been received. If follow-up treatment is required, the employee must keep the Human Resources Department and their Department Director or division supervisor informed of their condition.

### **43.3 Alcohol Breathalyzer and Drug Screening**

In the case of a vehicle accident including single vehicle accidents, the employee may be subjected to an alcohol breathalyzer and drug screening (refer to Drug and Alcohol Policy). Authorization of these and additional medical procedures shall be authorized by the Human Resources Department who will also receive the test results.

### **43.4 Worker's Compensation**

Payment of worker's compensation to any employee injured as a result of an injury arising out of and during the performance of their work duties with the City will be governed by the Mississippi Workers' Compensation Law.

An employee sustaining a lost-time injury with sick and annual leave credited to their account may request the department director to apply sick and/or annual leave in order to obtain pay while absent from duty as a direct result to an injury identified in items (a) through (c) of this section.

In the event of an absence resulting from injury or illness discussed in this section, an employee's sick or annual leave may be used to make up the difference in pay from the amount he/she receives in accordance with the worker's compensation rate. Sick and annual leave hours may be used to make up for any lost wages, however, the employee may not receive more compensation than he or she would have received had they not been injured. Amount of pay by an employee for injury in the line of duty shall be reduced by the amount of any worker's compensation benefits received by the employee and in no event shall the pay exceed 100% of the salary paid to such an employee.

- a) Full wages will be paid for the time spent at the initial visit to the doctor for the injury. Moreover, if the injured employee cannot return to work, compensation shall be paid in accordance with the Mississippi Workers' Compensation Law.
- b) If the employee is unable to return to duty on his or her next shift or normal work day; the injury will be considered a disability beginning the following day of the injury.
- c) Mississippi Workers' Compensation Law does not allow for compensation for the first five (5) days of disability. However, if the injury results in disability of fourteen

(14) days or more, compensation shall be allowed from the date of disability.

*Fire Department:* Shift personnel shall refer to Article 13, Compensation of Injured Employees/Safety, between the City of Gautier and Local 3290.

Any employee who is away from work on worker's compensation and who is not in a partial paid leave status will be required to maintain his/her premiums for any health benefits the employee is currently enrolled in. Premium payments must be submitted to the Human Resources Department by the 1<sup>st</sup> day of each month. Failure to make premium payments as described may result in the employee's health benefits being cancelled.

#### **43.5 Safety Equipment and Devices**

The City will provide proper and necessary safety equipment and devices for employees engaged in work when such equipment and devices are necessary. When safety equipment and devices are provided, they must be used. Failure to utilize provided safety equipment or devices will be subject to disciplinary action. If equipment or devices are reported to be worn or damaged; the City will replace them.

Personally purchased/owned safety devices shall not be utilized without written approval from the department head.

#### **43.6 Vehicle Safety**

All city employees' using city vehicles or personal vehicles on city business must abide by all state and federal traffic laws including seatbelt requirements. Activities such as eating, drinking, texting, emailing, personal grooming, or other distractions shall be refrained from while the vehicle is in motion.

Any driver determining that the vehicle assigned is unsafe to operate must report the unsafe condition(s) to his or her immediate supervisor. The department director or division supervisor must then take action to rectify the unsafe condition(s).

### **SECTION 44 Grievances.**

An employee may make a request for resolution of any dissatisfaction arising from the interpretation and the application of work rules, policies, procedures, or practices (*i.e.*, a "grievance"). Dissatisfactions involving job classifications, grade, salary, and other wage issues, benefit determinations, payroll procedures, or any matter outside the control of the immediate supervisor are not included for resolution under this procedure for grievances.

Disciplinary actions involving verbal and written reprimands are included within this grievance process and procedure. As to grievances pertaining to harassment and discrimination, employees are

referred to other provisions and sections contained in this personnel manual and the policies and procedures referred to or incorporated in this manual.

Compliance with the time frames outlined in each step of the procedure must be followed in order that the request for resolution is considered timely. If the employee does not follow the prescribed time frame, the request becomes outdated and the last response made will become final. If the party responding to the employee's request does not follow the time frame, the response becomes outdated and the employee may proceed to the next step of the procedure. Such time frames may be extended by written mutual agreement that must be entered into before expiration of the applicable time frame as outlined in each step. To insure compliance with time frames involving written requests and written responses, all correspondence should be copied to the Human Resources Department. All responses will be hand-delivered to the recipient or their representative or sent by certified mail to the most recent address in the personnel record of the employee making the request. When presenting the dissatisfaction and requested remedy at each step, all prior requests, responses, and documentation must be provided by the employee.

When initiating a verbal discussion with his or her Supervisor/Manager or submitting a written request for resolution to the Supervisor/Manager or Department Director, or, if applicable, the City Manager, as provided in the procedure below, an eligible employee must provide:

- 1) A clear statement of the circumstances which affected the employee and caused the dissatisfaction; and
- 2) A clear statement of the requested remedy to resolve the dissatisfaction. No new requested remedies may be introduced after the completion of Step Two (2) of this procedure unless mutually agreed upon by the parties involved.

### **PROCEDURE:**

**(1) Step One:** The employee shall first discuss the concern with his immediate supervisor and every attempt shall be made by the supervisor and the employee to resolve the matter at that level. The best solutions are usually found at this point. If an employee's grievance concerns the supervisor, however, the employee may proceed directly to Step Two.

**(2) Step Two:** If the matter is not resolved in Step One, the employee may, within three (3) working days bring the matter to the attention of the next level of supervision for discussion and consideration.

**(3) Step Three:** If the matter is not resolved in Step Two, the employee may, within three (3) working days, bring the matter to the attention of his Department Director for discussion and consideration.

**(4) Step Four:** If the department head does not resolve the matter to the satisfaction of the employee, the employee may within three (3) working days request an appointment to present the problem to the City Manager. The City Manager shall make an appointment within five (5) working days of the time of the request and hear the employee's presentation of the matter. The employee

shall reduce the matter to a written, signed statement including the results of steps 1, 2, and 3 for presentation to the City Manager.

A determination shall be made by the City Manager within five (5) working days after the meeting between the employee and the City Manager. The decision of the City Manager will be final.

Grievances within the jurisdiction of the Civil Service Commission as per Miss. Code Ann. §21-31-1 et seq., are excluded from the purview of this grievance procedure if such grievance can be fairly said to fall within the established jurisdiction of the Civil Service Commission.

Employees covered under union contract are excluded from this procedure. Individual grievance procedures may be found in the union contract.

The case file will be forwarded to and maintained in the Human Resources Department where it will be filed separately from any official personnel files. Grievances will be kept on file for the duration of the employee's employment with the City. If the City Manager is the subject of a grievance or otherwise has a conflict, the employee may request the Human Resources Director to refer the matter to the City Attorney for investigation and recommendation in lieu of the City Manager.

Upon completion of an investigation into a grievance filed against an appointed employee, the members of the city council shall be notified of the investigative findings of such grievance.

#### **SECTION 45            Americans with Disabilities Act (ADA).**

The City will not discriminate against qualified applicants and employees on the basis of disability. The City will provide a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless the accommodation will impose an undue hardship on the City. You may contact the Human Resources Department for more information on ADA Policies and Procedures.

#### **SECTION 46            Equal Employment Opportunity (EEO) Policy.**

It is the policy of the City to provide equal employment opportunity for all employees. This commitment includes a mandate to promote and afford equal treatment and services to all employees and to assure equal employment opportunity based on ability and fitness to all persons regardless of race, religion, color, national origin, sex, age, genetic information, or the presence of any sensory, mental, or physical disability, unless otherwise excepted or limited by law. If an employee believes that he or she has been subjected to unlawful discrimination by a co-worker, supervisor, or anyone else during the course of his or her employment, he or she should immediately submit his or her concerns to his immediate supervisor, Department Head, the Human Resources Director or the City Manager.

Employees who believe they have been victims of discrimination as defined above, or who may have witnessed an act of discrimination should report the incident immediately to their Department

Director, the City Manager or the Human Resources Director. City Management will promptly investigate all complaints through whatever means necessary. An employee may be suspended, with or without pay, pending the results of the investigation. Failure to cooperate fully with an internal investigation may result in disciplinary action up to and including termination.

The City will maintain confidentiality of the complaint, the investigation, and the result to the extent possible, and will instruct everyone involved in the investigation to do so as well. If the City concludes that a policy violation or illegal activity has occurred, it will take immediate and appropriate corrective action.

This policy prohibits retaliation against any person who brings an accusation of discrimination or who assists with a discrimination investigation or its resolution. However, any employee found to have knowingly and deliberately reported an accusation of discrimination in bad faith will be subject to disciplinary action up to and including termination.

Retaliation against an employee by another employee or supervisor for reporting unlawful discrimination, for filing a bona fide complaint of discriminatory harassment, or for providing information in good faith regarding another employee's complaint will not be tolerated.

## **SECTION 47        Harassment/Sexual Harassment.**

Harassment is unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, pesters, annoys, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading, or hostile environment, or interferes with or adversely affects a person's work performance.

It is the policy of the City that harassment in any form will not be tolerated. The City will not tolerate acts of sexual harassment or related retaliation against or by any employee and fully supports enforcement of state and federal anti-discrimination laws pertaining to sexual harassment. Prohibited conduct includes, but is not limited to, the following:

- 1) Offensive, derogatory, inappropriate or abusive statements, comments, slurs or gestures;
- 2) The use of sexually suggestive language and other behavior that is offensive, derogatory, inappropriate or abusive;
- 3) Conduct that interferes with job performance or creates an offensive or intimidating work environment;
- 4) Unwelcome flirtation, requests for sexual favors, sexual advances or propositions, requests for "dates", and other verbal or physical conduct of a sexual nature;
- 5) Display of sexually suggestive or sexually explicit pictures, greeting cards, books, drawings, photographs, magazines, websites, cartoons or objects;

- 6) Circulation of e-mails, jokes, or other materials that reasonably could be viewed as offensive by any employee;
- 7) Implication, by word or action, that an employee must tolerate or submit to sexual advances or offensive, inappropriate, or abusive conduct.

Employees who believe they have been victims of harassment or who may have witnessed an act of harassment should report the incident immediately to their Department Director, the City Manager or the Human Resources Director. City Management will promptly investigate all complaints through whatever means necessary. An employee may be suspended, with or without pay, pending the results of the investigation. Failure to cooperate fully with an internal investigation may result in disciplinary action up to and including termination.

The City will maintain confidentiality of the complaint, the investigation, and the result to the extent possible, and will instruct everyone involved in the investigation to do so as well. If the City concludes that a policy violation or illegal activity has occurred, it will take immediate and appropriate corrective action.

This policy prohibits retaliation against any person who brings an accusation of harassment or who assists with a harassment investigation or its resolution. However, any employee found to have knowingly and deliberately reported an accusation of harassment in bad faith will be subject to disciplinary action up to and including termination.

## **SECTION 48      Violence in the Workplace.**

The City will not tolerate any acts of violence to persons or City property. All acts of violence are treated seriously. Each act of violence will be dealt with promptly and appropriately utilizing administrative, managerial, legal and disciplinary actions.

Any employee determined to be responsible for threats of or actual violence or other violent conduct in the workplace that is in violation of these guidelines shall be subject to prompt disciplinary action, including termination of employment.

## **SECTION 49      Employee Conduct.**

It shall be the duty of all City employees to maintain high standards of cooperation, competency, efficiency, and integrity in their work with the City. If an employee's conduct falls below standard, he or she may be subject to disciplinary action, including termination of employment.

Some general areas for which an employee may be disciplined include, but are not limited to, the following:

- 1) Reporting to work or otherwise on duty or off duty if attending an official city meeting or function while under the influence of alcohol, intoxicants, or non-prescribed or illegal drugs,

narcotics, or “controlled substances,” as such terms or phrase are/is understood and referred to in the statutes of the State of Mississippi (e.g., Miss. Code Ann. § 41-29-113 through § 41-29-121 (Rev. 2001), the use of alcohol and/or other intoxicants while at work and/or on duty and/or off duty if attending an official city meeting or function, and/or a positive drug test result as obtained or received pursuant to the City’s policy on drug testing. A positive drug test is defined as any test showing a detectable amount of a prohibited substance in the employee’s system.

- 2) Use of narcotics or non-prescribed illegal drugs or “controlled substances,” as understood and referred to in the statutes of the State of Mississippi (e.g., Miss. Code Ann. § 41-29-113 through § 41-29-121 (Rev. 2001) while either on or off duty.
- 3) Failure to follow or adhere to the lawful or reasonable order, regulation, instruction, or directive of one’s supervisor, including, without limitation, his or her Department Director, the Human Resources Director, or the City Manager.
- 4) Refusal to adhere to or failure to comply with the City’s policy on drug testing.
- 5) Absence without leave, including, without limitation, the failure to report for employment, and/or being absent from work without permission or failing to report such absence to the appropriate supervisor or Department Director.
- 6) Being habitually or excessively absent or tardy for any reason.
- 7) Failure to perform assigned work or required duties in an efficient, effective, competent, and/or satisfactory manner according to reasonable City standards.
- 8) Incompetence or inefficiency in the performance of duties of the position to which he or she is employed.
- 9) Being wasteful of or misusing City material, property, equipment, or resources, and/or work time.
- 10) Conviction of or plea of *nolo contendre* to a felony or misdemeanor. This would include any charge(s) that may adversely affect conditions or requirements of your job description or Civil Service minimum requirements for employment with the City of Gautier.
- 11) Making or disseminating slanderous remarks or representations involving fellow employees or supervisors.
- 12) Removal and/or conversion of City money, merchandise, or property, including property in custody of the City without permission.
- 13) Dishonesty, including, without limitation, intentionally giving false information, submitting false work records, making false statements when applying for employment, and falsifying any information during the application and/or pre-employment process (es).

- 14) Divulging, misusing or removing any employee lists, records, designs, drawings or confidential information of any kind without proper authorization and/or permission of the City Manager or Department Director.
- 15) Making excessive or unauthorized charges to the City by Fuelman (gas) card, purchase order, or other means of obligating the City to improper or unlawful debt.
- 16) Falsification of time and attendance records for payroll or submitting or punching in a time card for someone else.
- 17) Abuse of sick leave privileges by reporting sick when not sick or obtaining sick leave pay falsely or under false pretenses.
- 18) Use of profanity or abusive language or wantonly offensive conduct or language toward a fellow employee or member of the public while in the course of employment with the City.
- 19) Engaging in political activities prohibited by this employee handbook or otherwise in violation of any federal, state, and/or local law, ordinance, or regulation.
- 20) Engaging in inter- and intra-office relationship(s) that interfere(s) with workplace productivity.
- 21) Making acts or threats of violence, fighting, or stalking or otherwise acting in a threatening manner toward another employee, a supervisor, an elected official, and/or a member of the public while in the course of his or her duties with the City.
- 22) Unauthorized possession or use of firearms, dangerous weapons, or explosives at the work site or in the course of his or her duties with the City.
- 23) Conduct unbecoming an employee of the City either while on or off duty.
- 24) An attempt to induce any employee of the City to commit an illegal act(s) or an act(s) in violation of any lawful or reasonable departmental regulation, policy, and/or procedure.
- 25) Violation of internal rules, regulations, policies, and/or regulations established by the City Departments and/or Department Directors, provided they are not in conflict with the policies, provisions, procedures, and regulations of this employee handbook or any amendment thereof.

The above referenced and non-exclusive list of general areas for which an employee may be disciplined or terminated fall within the purview of those acts, omissions, and/or conduct which give rise to disciplinary action under Miss. Code Ann. § 21-31-21 (Rev. 2001) and amount to one (1) or more of the following: incompetence, inefficiency, inattention of duty, dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, and/or acts of omission or commission tending to injure the public service.

Failure to discipline an employee for one (1) or more of the foregoing or other grounds for discipline does not limit the City from disciplining the same employee for the same ground(s) for discipline on other occasions or other employees for the same ground(s) for discipline.

## **SECTION 50              Disciplinary Action.**

Without limitation, discipline involving less than termination may take the form of a verbal warning or reprimand, a written warning or reprimand, a performance appraisal indicating substandard performance in one or more areas, probation, suspension without pay, and/or demotion or reduction in rank. All disciplinary actions become a part of an employee's official personnel file and remain in the personnel file for the duration of his or her employment with the City of Gautier.

Disciplinary actions involving suspension without pay, demotion or reduction in rank, and/or termination of employment require prior notification to and approval by the City Manager in accordance with civil service procedures.

Civil Service employees (i.e., regular full-time employees) may be disciplined for any of the reasons or basis set out in the policies, procedures, provisions, and/or regulations herein or for any other reason or basis made in good faith for just cause.

## **SECTION 51              Fitness for Duty.**

If there are documented reasons to question an employee's fitness for duty, i.e., ability to perform job duties and/or to meet the expectations of conduct described herein or in other City policies or governing documents, the City reserves the right to refer the employee for an "EAP" evaluation. This includes situations where the employee is exhibiting bizarre, inexplicable, or unacceptable behavior. A department director may recommend an employee for these contract services to the City Manager on the basis of his or her ability to function on the job.

The intent is to use the findings of the "EAP" to assist the department director and division supervisor in a plan to improve the employee's productivity. After the evaluation, the employee is required to sign a medical records release or obtain and furnish an evaluation from an appropriate professional, including a urinalysis as covered by the City drug policy. When the City requires such an evaluation, any costs outside of the "EAP" service contract, will be the City's responsibility.

## **SECTION 52              Whistle blowing.**

The City strives to conduct its business with the utmost integrity and in strict accordance with all applicable federal, state and local law. Accordingly, employees are required to bring to the attention of the City any improper actions of City employees, including conduct prohibited by law and/or any request of an employee to engage in conduct prohibited by law. The City will not retaliate against any employee who makes such a disclosure in good faith.

## **SECTION 53      Resignation.**

When an employee decides to resign, at least two (2) week notice is requested. The notice is to be a written statement to the employee's supervisor stating the effective date and reason for resignation.

Once a resignation letter has been received, the City is under no obligation to retain the employee resigning if in fact the employee retracts the resignation letter. The decision to retain said employee will be at the sole discretion of the City Manager.

## **SECTION 54      Job Abandonment/Voluntary Termination.**

Any employee who is absent from work for three (3) consecutive workdays without proper notification and authorization may be considered to have voluntarily terminated his or her position.

## **SECTION 55      Drug Testing.**

The City of Gautier, at a minimum, will comply with the requirements of the Drug-Free Workplace Act of 1988 and MS Code Annotated, Sections 71-7-1 thru 71-1-33.

Any employee determined to be in violation of this policy is subject to disciplinary action which may include termination, even for the first offense.

The City strictly prohibits the manufacture, distribution, dispensing, possession, sale, purchase, or use of alcohol or a controlled substance, without a medical prescription, while on the job, or on company property. Employees reporting to work, or working under the influence of alcohol or a controlled substance without a medical prescription is prohibited. Furthermore, the City of Gautier prohibits the presence of any detectable amount of prohibited substances in the employee's system while at work, while on City premises or in a City vehicle, or while conducting City business. "Prohibited substances" will include illegal drugs, alcohol, or prescription drugs not taken in accordance with a prescription given to the employee.

The City has a separate policy for drug testing and requires all employees to adhere to and abide by this policy. Employees should contact the Human Resources Department to obtain a copy of the official drug policy in its entirety. Employees who violate this Policy are subject to appropriate disciplinary action including termination.

## **SECTION 56      City Owned/Leased Cellular Telephones.**

This policy outlines the use of city-owned cell phones, the use of privately owned cell phones and the safe use of cell phones by employees while driving.

**Personal Use of City-Provided Cellular Phones:** Where job or business needs demand immediate access to an employee, the City may issue a City-owned and serviced cell phone to an employee

for work-related communications. City owned cellular telephones are for official business only. Occasional brief personal use is allowable but should be avoided. Phone invoices may be audited by the user Department to ensure proper use of city-provided cellular phones.

Cellular phones shall remain the sole property of the City and shall be subject to inspection or monitoring (including related records) at any time. Employees in possession of City equipment such as cellular phones are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested (for example, 24 hours) may be expected to bear the cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

## **SECTION 56.1      Use of Personal Owned Cell Phones.**

It is City policy that use of personal cellular phones (including text messaging) shall be limited during the work day and City cellular phones shall be utilized for business purposes only and in a safe manner.

Personal Cellular Phones: During paid work time, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of any City phones. Employees are expected to make personal calls on non-work time when possible and to ensure that friends and family members are aware of the City's policy. Flexibility will be provided in circumstances demanding immediate personal phone use, but this immediate need should be communicated to an employee's supervisor.

## **SECTION 56.2      Safe Use of Cell Phones.**

Safety Issues for Cellular Phone Use: Employees whose job responsibilities include regular or occasional driving are encouraged to refrain from using a cellular phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to a reasonably safe location and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are required to use hands-free options and are expected to keep the call short, refrain from discussion of complicated or emotional issues, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

In situations where a City cell phone has been issued and the employee's job responsibilities include regular driving and accepting of business calls, hands-free equipment will be provided to facilitate the provisions of this policy.

With the exception of extraordinary circumstances, operators of authorized emergency vehicles are to comply with the hands-free requirement while driving. Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

Text messaging, reading emails, and writing emails while driving is not allowable under any circumstance. Employees who are charged with traffic violations resulting from the use of a cellular phone while driving on duty may be subject to disciplinary action and personal liability resulting from such traffic violations. Violations of this policy will be subject to discipline.

## **SECTION 57 City Computers and Electronic Communications.**

Certain employees and officials within the City of Gautier may be provided or authorized to use City-owned or leased computers and electronic communications systems, including electronic mail (e-mail) and internet services.

Such provision or authorization is in no way to be considered or construed to be a benefit or guarantee and no employee has a claim or entitlement to the provision or use of such equipment or services.

### **SECTION 57.1 Use of City Computers/Microcomputers and Computing Systems.**

Employees and officials shall be responsible for using the City-owned and leased computer systems for job-related purposes only. Employees and officials may use only the computing resources they are authorized to use and only for the job-related purposes specified. The use of computers and the City's network(s) are provided to employees as tools for job-related use. Misuse of computers and the network(s) shall be subject to disciplinary action, including termination of employment.

All software, programs, applications, templates, data and data files residing on City microcomputer systems or storage media or developed on City systems are property of the City of Gautier and shall not be removed from the workplace without proper authorization.

The City, therefore, may access, copy, change, alter, modify, destroy, delete or erase this property at any time, with or without notice.

The City does not own computer software but licenses the right to use it. Therefore, software may only be reproduced by authorized City employees or officials in accordance with the terms of the software licensing agreements. Unauthorized copying, duplication, redistributing, and/or republishing of copyrighted or proprietary material (information, data, software packages, etc.) is a direct infringement of the federal copyright law. Illegal copying of software shall be subject to disciplinary

action. Computer programs may not be rented, leased, or loaned for direct or indirect commercial advantage. Computer programs may not be used or transferred to another site other than as specified by the licensing agreement.

## **SECTION 57.2. Electronic Mail (E-Mail).**

The electronic mail system hardware and software is the property of the City. Additionally, all messages composed, sent, or received on the electronic mail system are, and remain the property of the City and as such can be viewed, retrieved and monitored by the City. Electronic mail (e-mail) is not the private property of the employee and employees and officials have no expectation of privacy in such mail or in any information or data contained in or attached to such mail. The use of the City's computers and the electronic mail system is reserved for the conduct of business of the City.

## **SECTION 57.3 Internet/Intranet Access**

Access to the internet is provided to certain City employees to aid or assist in the conduct of City business. Internet and/or intranet communications shall be for business related purposes. However, the City expects that employees will devote their time to City business while on duty and use of the Internet/Intranet for other purposes should be strictly limited and of very short duration. The City has the right to monitor internet and intranet use to assure such use.

Employees who violate this policy by viewing, downloading or sharing offensive material including but not limited to sexually suggestive or sexually explicit pictures, videos, greeting cards, books, drawings, photographs, websites, cartoons or objects or websites for gambling; will be subject to disciplinary action, leading up to and including termination.

## **SECTION 57.4 Social Media**

### **Purpose**

The City of Gautier will employ the use of social media web sites to reach citizens it might not otherwise reach through other traditional means. It is understood that social media sites provide an excellent resource for communicating the city's various messages and promoting the city's services, programs and initiatives. Social media allows real time interaction with citizens, and increases efficiency as it pertains to news, special events and advertising, and also provides a nontraditional support device to internal departments and divisions.

### **General Provisions**

The city, through the City Manager's office, may create and operate a web site on Facebook, Twitter and any other reputable social networking site. The creation of additional sites by individual city departments is allowed with City Manager approval (e.g. Police Department, Fire Department). All sites representing the City of Gautier must strictly adhere to city policy. Content posted to any City of Gautier social media site must be approved by the Director of the

department establishing the site. Content posted to city managed social media sites may include news releases, approved photos and videos, agendas, announcements, promotional tools, and similar material.

## **Guidelines**

- The City Manager's designee will create and maintain the city's official social media accounts.
- Under certain circumstances, individual city departments may want to create and maintain social media sites that are separate from those maintained by the City Manager's designee. Departments are required to obtain approval from the City Manager before implementing separate social media sites.
- Department Directors must provide specific justification and reasons for maintaining separate social media sites. If approved, the City Manager or his/her designee will periodically review each city managed social media site. Those sites that do not meet the city's intended goals and objectives may be removed at any time.
- Unless a social media site has been authorized to accept comments, unofficial or public comments may not be posted by followers.
- Some avenues to allow user comments may be turned off, including discussion boards, "walls" and comments sections.
- If the public is allowed to post comments to a social media account or page, the following posts are inconsistent with the city's policies and will not be allowed:
  - Obscene or racist content
  - Personal attacks, insults, or threatening language
  - Potentially libelous statements
  - Private, personal information published without consent
  - Comments totally unrelated to the content of the post
  - Links to material that is not directly related to the discussion
  - Commercial promotions or spam
  - Political activity in any form
  - Pornographic or sexually explicit content
- Anyone may become a "fan" of the city operated sites. However, individuals who display objectionable profile pictures or who do not follow the above guidelines on the city social media sites will not be accepted as "fans" or allowed to "follow" the site(s).

## **Prohibited Content**

Prohibited content on city managed social media sites include political activity, offensive, harassing or sexually explicit imagery or language, endorsements of any product, service or private organization, or commercial or fund-raising activities, except those sponsored or sanctioned by the City of Gautier.

## **SECTION 58      Use of City-Owned and Leased Vehicles**

Each employee who is driving a City vehicle is expected to observe any and all safety and vehicle operation procedures and regulations. At its discretion, the City may assign to any employee the care of a vehicle or other equipment under established policy and procedure. Each employee has the responsibility to use reasonable care to ensure the security and care of all City property entrusted to his use and care.

Smoking in City vehicles is absolutely prohibited. No City vehicle or equivalent may be used by a City employee for his personal use.

## **SECTION 59      Fuelman Fleet Cards**

### **Standards and Guidelines**

The City of Gautier has developed this Fuelman policy to establish minimum standards for use of the Fuelman fuel card. This policy will be the official document governing the City of Gautier Fuelman program.

### **General Information**

It is important that the City of Gautier properly safeguard and account for purchases of gasoline and diesel fuel for city owned vehicles. Under the direction of the City Clerk, Fuelman cards will be used by designated City of Gautier employees to make authorized fuel purchases for city vehicles. The City Clerk's office will track and review fuel transactions to maintain records for each city vehicle; these records will track vehicle and driver purchasing and reflect any misuse of the cards.

### **Procedures**

Except when delegated, the authority to issue Fuelman cards resides exclusively with the City Manager. Fuelman cards shall be issued to vehicles, not individuals, and are restricted to use with the vehicle to which it was issued. Only one Fuelman card shall be issued to a vehicle. An additional Fuelman card may be issued to employees for the purchase of fuel for gas powered lawn maintenance equipment where applicable. Employees required to drive vehicles and operate equipment will receive a Personal Identification Number (PIN) that can be used with any Fuelman card assigned to vehicles owned and operated by the city. The issuance of PINs will be managed by the City Clerk or his/her designee. PIN creation, assignment and usage must comply with the following requirements:

- A. PINs shall not be shared by employees.
- B. Use of the PIN serves as an electronic "signature" of the person to whom it is issued.
- C. PINs can be used by the individual with any card on the account.
- D. Generic PINs are prohibited (e.g. one PIN for an entire office or department)
- E. Vehicle numbers, employee numbers and other easily obtained or guessed numbers shall not be used as PINs

- F. PINs shall not be written on the card or on the protective card sleeve.
- G. Compromised PINs must be cancelled immediately and a new PIN issued.
- H. Lost, stolen or damaged cards shall be reported to the City Clerk or his/her designee and the card replaced immediately.

## **Responsibilities**

Employees will be held personally liable for all unauthorized and/or unallowable Fuelman card purchases. Under no circumstances is an employee permitted to use the Fuelman card for personal purchases, including fuel for personal vehicles or other non-city owned or operated vehicles. Such use will be considered theft and will result in disciplinary action, up to and including termination, and may result in criminal prosecution. Supervisors or other approving officials who knowingly, or through willful neglect, approve personal or fraudulent purchases are subject to the same disciplinary actions as fuel card users.

## **Other Requirements**

In order to assist the city in monitoring its fleet costs, card users shall completely fill the fuel tank at each fill up and shall make every reasonable effort to enter the accurate vehicle odometer reading at the time the fueling transaction takes place to ensure detailed vehicle mileage data is calculated

## **SECTION 60                    Inclement Weather**

### **Purpose:**

To prescribe uniform procedures for the closure of city offices and the treatment of employee absences from work during periods of inclement weather and other emergencies.

### **Policy Statement:**

In order to fulfill its mission of public service, the City of Gautier will make every reasonable effort to open its facilities to the public as scheduled, consistent with safe access for employees and the public. Whenever it is determined that the health and safety of citizens or employees would be placed at risk or that conditions or events prevent performance of normal operations, services, or responsibilities assigned, closure of city offices or specific departments may be deemed necessary. During inclement weather sufficient to make travel hazardous or during emergencies, the City Manager may decide to close, delay opening or close early city offices.

### **Applicability:**

City employees who are not working in a public safety classification are covered by this policy. Public Safety employees (Police, Fire, Dispatchers) are expected to report to work as normal under this policy.

**Definitions:**

*Inclement Weather* – Weather that is severe including but not limited to snow, ice, and flooding and other hazardous conditions such as tornadoes.

*Emergencies* – An unforeseen combination of circumstances or an urgent need for immediate action, including but not limited to natural disasters, lack of heating, cooling, plumbing and power outages.

**Procedure:**

If inclement weather or other emergency conditions affecting the city develop during the workday or overnight, the City Manager may make the decision to close non-essential city offices. In the event this decision is made, Department heads will be notified by telephone or email of any authorized changes to normal work hours. Department heads will be responsible to notify their affected employees by the most appropriate method (phone, text, email) given the conditions. The City Manager will also notify the Mayor and City Council of this decision immediately upon closing of city offices.

Once the decision has been made to close city offices, local media will be notified of the closing and expected duration. Additionally, notices will be posted on the front doors of affected city facilities and closing information will be posted on city websites and social media sites.

In the absence of official notification regarding delayed opening or office closure, employees are expected to report to work on time or to contact their supervisor or other appropriate city personnel for information.

**Payroll Procedures:**

When an employee is prevented from reporting to work or remaining at work because of the closing of city offices under the guidelines of this policy, such absence will be paid by the city and not charged to the employee's accrued leave. Employees who were already preapproved for vacation, sick leave, or comp time will have their leave accruals charged as normal under this policy. Employees will not receive additional pay for closures when the employee is not scheduled to work.

**SECTION 61      Chain of Command**

The "chain of command" should be observed by all employees within their positions of employment. Such lines of authority should only be crossed in emergencies or if otherwise in accord with other policies, procedures, or provisions herein or elsewhere in the City. In accordance with Miss. Code Ann. § 21-9-31, except for the purposes of inquiring or receiving information or advice, neither the mayor nor any member of the council shall give orders to any subordinate of the City.

## **SECTION 62      Volunteers**

The City of Gautier utilizes volunteers to assist in various programs and activities sponsored by the city. The City of Gautier has adopted a Volunteer Policy and Procedures Manual which provides guidelines for both city employees who supervise volunteers and volunteers who offer their talents, skills and time to foster stewardship of our city, parks, and programs. All volunteers are required to sign a waiver in order to volunteer their services to the city. A copy of the Volunteer Policy and Procedures Manual in its entirety may be obtained by contacting the Human Resources Department.

## **SECTION 63      Miscellaneous**

Please refer to the appendix section of this handbook for complete policies and additional resources.

It is the employee's responsibility to confirm with the Human Resources Department any aspect of the policies, procedures, provisions, or regulations which there may be a question.



## **EMPLOYEE HANDBOOK**

**Rev. 06-20-17**

### Acknowledgement

I hereby acknowledge that I have received and will read the City of Gautier Employee Handbook.

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Please Print Name

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Signature

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Date

